UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,173	07/03/2003	Craig D. Yarbrough	SVSN-26,380	9135

25883 7590 10/19/2007		**EXAMINER**	
HOWISON & ARNOTT, L.L.P P.O. BOX 741715 DALLAS, TX 75374-1715		BROWN, VERNAL U	

ART UNIT	PAPER NUMBER
2612	

NOTIFICATION DATE	DELIVERY MODE
10/19/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@dalpat.com

	Application No.	Applicant(s)
	10/613,173	YARBROUGH, CRAIG D.
Office Action Summary	Examiner	Art Unit	
	Vernal U. Brown	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 August 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4 and 6-20* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some *   c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This action is responsive to communication filed on 8/08/2007.

Response to Amendment

The examiner has acknowledged the amendment of claim 1.

Response to Arguments

Applicant's arguments with respect to claims 1-3, 8-12 and 14-20 have been considered

but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Bueno US Patent 5532689 in view of Claus et al. US Patent 5310999.

Regarding claim 1, Bueno teaches an identification tag component comprising:

a smart card housing (i.e identification tag shell (4)) having an outer surface as shown in

the drawing, a transmitter (9), an identification tag interface (6) communicably connected to said

transmitter (9) and adapted to read fixed identification data (i.e. CCUI) from an identification tag

(5) which was fixedly stored therein {see col. 2, lines 53-62+}; and

the transmitter transmits identification data {see col. 3, lines 10-12}. means on said outer surface

(i.e. card-presence detecting contact) for holding the identification tag in communicable

proximity to said identification tag interface {col. 3, lines 13-16};

a processor (8) for processing said read identification data and operable to validate the

identification tag based on the read identification data and generate a verification signal {see

paragraph bridging cols. 2 and 3}; Bueno is silent on teaching the identification data from a

given card remain unchanged over multiple reads. Claus et al. in an analogous art teaches the

identification information on the card is fixed (col. 3 lines 60-64, col. 9 lines 2-19) and therefore

does not change after multiple reads.

It would have been obvious to one of ordinary skill in the art for the identification data

from a given card to remain unchanged over multiple reads in Bueno because alternative means

such as data encryption of the card identification information is widely use to prevent fraudulent

use of the smart card.

Regarding claim 2, Bueno teaches powering the card (col. 2 lines 54-55) but is silent on

teaching the transmitter is an active transmitter. Claus et al. in an analogous art teaches an active

transmitter (col. 5, lines 63-66) in order to provided a constant voltage supply for increase

transmission range.

It would have been obvious to one of ordinary skill in the art to have an active transmitter

in Bueno as disclosed by Claus et al. because the active transmitter provides an increase

transmission range.

Regarding claim 3, Bueno teaches the tag interface is a smart card memory interface (col.

2 lines 50-53).

Regarding claim 8, Bueno teaches the identification data (CCUI) is authorization data
that prevents fraud {see col. 3, lines 13-18}.

Regarding claim 10, Bueno teaches the identification data (CCUI) identifies equipment,
such as a motor vehicle passing through the motorway toll station {see col. 2, lines 18-20}.

Claims 4, 6-7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over
Bueno US Patent 5532689 in view of Claus et al. US Patent 5310999 and further in view of
Cudlitz US Patent H2120 .

Regarding claims 4, 6-7 and 9, Bueno does not disclose "a biometric data reader".
However, Cudlitz, in an analogous art, teaches of "a biometric data reader 100 communicably
connected to said transmitter 204 and processor 202, wherein said processor 202 receives input
6iometric data from said biometric data reader 100 and said processor processes said input
biometric data and wherein stored biometric data is stored on the identification card and said
processor processes said stored biometric data and said processor determines if the input
biometric data is substantially related to the stored biometric data and generates a biometric
verification signal and wherein said transmitter transmits said biometric verification signal" {see
Cudlitz, Figure 2, col. 3, lines 20+}. The systems of Bueno and Cudlitz are analogous art
because they are from the same field of endeavor,' wireless authentication of smart card systems.
Cudlitz suggests that combining ID number and biometric characteristic of an individual (i.e.
identifies a user) is advantageous because it provides increase security and at the same time,

expedite processing of smart cards passing through access gates {see Cudlitz, col. 1, lines 20-37; col. 2, lines 65-67}. Obviously, it is beneficial in the system of Bueno, because Bueno is concerned with transmitting data quickly and securely from a smart card during a remote transaction.

It would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to have a biometric authentication in the system of Bueno, because, as taught by Cudlitz because it provides increased security and at the same time, expedite processing of smart cards passing through access gates.

Claims 11-12 and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bueno US Patent 5532689 in view of Burger US Patent 6219439 and further in view of Dulude et al. US Patent 6310966.

Regarding claim 11, claim 11 recites the remote identification tag holder of claim 1, further comprising a location receiver (see Bueno, 2) receiving transmissions from said transmitter (see Bueno, 9), and a location processor (see Bueno, 3) connected to said location receiver (see Bueno, 2). Bueno does not disclose a "biometric input independent of the identification card". Burger teaches of a handheld card reader 12 including a biometric input (i.e. fingerprint scanner 16)independent of the identification card 14, as shown in Figure 1 {also see Burger, column 5, lines 6-27}. Burger, suggests that combining an ID card reader and biometric characteristic of an individual is advantageous because an ID card by itself can easily be defeated by a hacker {see Burger, col. 3, lines 13-27}. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to include a biometric input

independent of the identification card in the system of Bueno because, as taught by Burger, a hacker can easily defeat an ID card by itself. Bueno in view of Burger do not disclose "hash of the biometric data" as claimed. Dulude et al. in an analogous art teaches the generation of a hash of the biometric data and transmitting the biometric data and the hash to a location receiver (col. 6 lines 1-12) and also illustrated in figure 4.

It would have been obvious to one of ordinary skill in art at the time of the invention to hash the biometric data of Bueno and to transmit the hash along with the biometric data because a hash function secures biometric data during transmission without unduly increasing the cost and complexity of the biometric application.

Regarding claim 12, Bueno teaches that the remote identification tag identification system of claim 11, further comprising a system identification database in communication with said location processor, wherein said location process or further processes stored identification data {see Bueno, paragraph bridging cols. 2 and 3}.

Regarding claim 14, Bueno teaches the location processor processes the identification information to determine the identity (col. 2 line 64-col. 3 line 8).

Regarding claims 15 and 16, Bueno teaches the identification data is authorization data {see Bueno, col. 2, lines 18-37}.

Regarding claim 17, Bueno teaches the fixed station (1) which contains the location receiver and the location processor is used as a motor way toll station (col. 2 lines 46-53). Although Bueno do not disclose expressly "a second location receiver and a second location

processor, wherein said second location processor is in communication with said system

identification database, one skilled in the art recognizes that a toll road with a plurality of lanes

uses a plurality of fixed station for collecting the toll for a toll road with multiple lanes.

It would have been obvious to one of ordinary skill in the art to have a second location

receiver and a second location processor, wherein said second location processor is in

communication with said system identification database because this enables the collection of

tolls at a multiple lanes toll road.

Regarding claim 18, Bueno teaches that said identification tag interface is a smart card

reader (memory interface) as shown in the drawings.

Regarding claims 19 and 20, although Bueno does not disclose an access barrier,

wherein said location processor processes said received, identification to determine access

authorization and causes said access barrier to move when access is authorized", the use of ID

tags for access is conventional, as evidenced by Burger {see Burger col. 1, lines 16-18}, and

would have been obvious in the system Of Bueno. As such, Burger teaches using the remote

identification tag identification system for access through an access barrier (i.e. door 44 or gate)

as claimed {see Burger, Fig. 2; col. 6, lines 39-56+; col. 7, lines 46-50}. Burger suggests that it is

advantageous to use the identification tag system in providing access through a door because due

to the authentication process, it prevents unauthorized users gaining entry through the door {see

Burger col, 8, lines 16- 34}.

It would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to include an access barrier with the location processor to determine access authorization in the system of Bueno because this ensures that only authorize persons are allowed to pass through the access control barrier.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bueno US Patent 5532689 in view of Burger US Patent 6219439 and further in view of Dulude et al. US Patent 6310966 and further in view of Claus et al. US Patent 5310999.

Regarding claim 13, Bueno teaches the tag identification system is used in a toll road payment system (col. 2 lines 46-53) but is silent on teaching the location processor provides displayed identification data. The displaying of identification data represents a conventional practice as exemplified by Claus et al. (col. 5 lines 18+).

It would have been obvious to one of ordinary skill in the art to displayed identification data in Bueno because the displaying of the identification information allow visual verification of the displayed identification information.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Vernal U. Brown whose telephone number is 571-272-3060. The

examiner can normally be reached on 8:30-7:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Brian Zimmerman can be reached on 571-272-3059. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2612

Vernal Brown
October 10, 2007
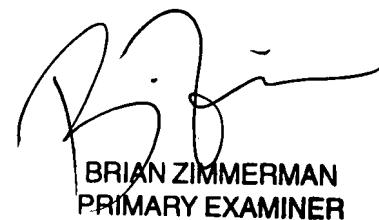
BRIAN ZIMMERMAN
PRIMARY EXAMINER